UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/Q/REPOFKOR/2
21 September 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
4-8 September 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the second periodic report of the Republic of Korea concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.23)

I. GENERAL INFORMATION

A. General legal framework within which human rights are protected

1. In the light of the Committee's decision to give effect to its follow-up procedure in the framework of the consideration of reports, the Committee would appreciate information on the specific measures the Government of the Republic of Korea has taken to implement the recommendations contained in the concluding observations of the Committee (E/C.12/1995/3) with respect to the State party's initial report.

2. In its second periodic report, the State party indicates that it is planning to establish a national human rights commission in order better to protect and promote human rights. Please inform the Committee whether the aforementioned commission has been established in accordance with the 1991 Paris Principles, what its mandate and powers are and the concrete effect it has had on the promotion and protection of human rights in general, and of economic, social and cultural rights in particular.

3. In its previous concluding observations, the Committee urged the State party to ensure that the Covenant was superior in status to all national laws. Please describe any changes or progress made in this respect.

B. Information and publicity

4. Please describe the action taken to inform and sensitize society and the competent authorities in the Republic of Korea of the rights embodied in the Covenant.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2. Non-discrimination

5. In its concluding observations regarding the Republic of Korea's initial report, the Committee urged the State party to meet the needs of the most vulnerable groups of society, including foreign workers. Please indicate what steps have been taken to protect foreign workers, the poor, the homeless and the disabled.

6. Please indicate the number and nationality of asylum-seekers who applied for refugee status during the past five years, and the number of accepted applications. Please indicate the measures taken to ensure that they enjoy economic, social and cultural rights without discrimination.

Article 3. Equality between men and women

7. Kindly describe the evolution of the status of women in society in the Republic of Korea in terms of work opportunities, wage equality, inheritance, domestic violence, education opportunities and other aspects of traditional discrimination described in the State party's initial report. The Committee would also like to know what specific steps have been taken to redress the imbalances in the status of women in society.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

8. Please indicate whether the State party intends to ratify the International Labour Organization (ILO) Conventions Nos. 2 and 29.

9. Please describe the effect of measures taken by the State party during the past two years to combat unemployment, especially among vulnerable groups, such as women, migrant workers and the disabled.

10. Please indicate the employment rate of college graduates dissagregated by gender.

11. What measures has the State party taken to combat discrimination against divorced women in the workplace?

Article 7. The right to just and favourable conditions of work

12. The restructuring by the Republic of Korea of some aspects of its economy and industry during the past decade has negatively affected women's employment opportunities, in particular in the garment and shoe industries, which primarily hired women. Women have had to seek work from sub-contracting agencies at much lower pay, irregular hours and less or no fringe benefits. Please indicate how the State party has remedied or envisages remedying this situation.

13. What laws and workplace programmes protecting gender equality in the labour market are being enacted and enforced in the State party? What steps is the State party taking to combat sexual harassment in the workplace?

14. Why are companies with less than 10 workers exempt from applying the 1998 minimum wage, and how does this affect the workers' right to fair remuneration?

15. How many illegal foreign workers have lived in the Republic of Korea over the past three years? What steps are being taken or envisaged by the State party to legalize their stay and their work in the country?

16. Please provide updated statistical information on the number of occupational accidents and diseases that have occurred since the submission of the previous report or in the past five years, dissagregated by occupation, age and gender.

Article 8. Trade union rights

17. Please indicate whether the State party intends to ratify ILO Conventions Nos. 87 and 98.

18. Please explain the ban on public servants and public and private school teachers joining trade unions, bargaining collectively and striking.

19. Please provide information on the number of strikes that have taken place since the economic reforms and please indicate how these strikes have been handled by the State party.

20. Please provide information on the status and function of the Labour Relations Commission, the number of complaints received and the number of cases resolved by the arbitration of this Commission.

Article 9. Right to social security

21. Please inform the Committee of the measures taken to implement the Committee's recommendation in its previous concluding observations on the need to expand the social security system in the light of the rapid economic growth of the Republic of Korea.

22. Please explain what measures have been taken to provide industrial accident compensation for workers suffering from injuries, diseases or disabilities.

Article 10. Protection of the family, mothers and children

23. Statistics compiled by the Health and Welfare Ministry of the Republic of Korea showed that, in 1998, 9,292 children under 18 were either placed in State care or deserted by parents grappling with family problems related to the economic crisis. Please explain what measures have been taken by the State party to prevent the exploitation of these children.

24. Please indicate what legal and administrative measures have been taken by the government to combat marital rape and other forms of violence against women.

25. What measures is the Government taking to combat the problem of street children?

26. Please indicate the minimum working age for children and explain what government measures have been adopted to protect children from exploitation.

27. Please indicate whether the State party envisages ratifying the optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and what measures it has taken to protect children from sexual exploitation.

Article 11. Right to an adequate standard of living

28. According to the State party's report, 40 per cent of the population live below the poverty line, despite the rapid economic growth of the Republic of Korea. Please explain the State party's policies on the matter.

29. In its previous concluding observations, the Committee recommended that the State party take appropriate measures to guarantee more effectively the right to housing and, in particular, to ensure that no evictions are carried out without offers of alternative housing in accordance with the Committee's General Comment No. 4. Please indicate whether the Committee's recommendation has been implemented. Furthermore, please provide detailed information on the number of people evicted as a result of the redevelopment process over the past five years and whether they have been adequately compensated.

30. Please provide information on the extent of homelessness in the Republic of Korea.

31. Please provide information on the functioning of the Residential Protection Target Groups referred to in paragraph 223 of the State party's second periodic report. What are the criteria for eligibility and how many people benefit from the programme?

Article 12. Right to health

32. Please indicate the evolution of State expenditure on public health care over the past five years.

33. Please provide information on the measures taken by the State party to eradicate the practice of identifying the sex of foetuses leading to unsafe abortions and to a high rate of maternal mortality.

34. Please explain the extent of medical assistance offered by the State party to refugees and asylum seekers, notably those housed in reception centres.

Article 13. Right to education

35. Please indicate what percentage of the State budget was earmarked for education during the past five years.

36. While primary education is free, secondary and tertiary education fees are high. This explains, in part, the disparities between the educational levels of women and men. Please explain the persistence of the above education policies despite the rapid economic growth of the Republic of Korea.

37. Please explain why no human rights education is made available at primary, secondary and higher levels of education despite the call on States by the 1993 World Conference on Human Rights to provide such education.

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property rights

38. To what extent does the Government of the Republic of Korea exercise censorship on cultural and educational activities?